

AMENDED IN SENATE APRIL 9, 1996

SENATE BILL

No. 2137

Introduced by Senator Johannessen

February 23, 1996

~~An act to add Section 61210.1 to the Government Code, to add Sections 6480.1, 8950.01, 13803.1, and 32100.05 to the Health and Safety Code, to add Sections 5527.1 and 9301.1 to the Public Resources Code, and to add Sections 30500.1 and 34708.6 to the Water Code, relating to local agency formation. An act to amend Section 61600 of the Government Code, relating to community services districts.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 2137, as amended, Johannessen. ~~Local agency formation~~ *Community services districts.*

Existing law prescribes the purposes and powers of community services districts.

This bill would additionally grant community services districts the power of constructing, maintaining, and operating flood control and protection works and facilities, as specified.

~~Existing law establishes a local agency formation commission in each county to review and approve or disapprove of local governmental agency changes of organization or reorganization within the county and to perform other related functions. Existing law provides, among other things, that a change of organization or reorganization may be made subject to various specified terms and conditions including (1) the establishment,~~

~~continuation, termination, combining, consolidation or separation of offices, departments or boards, and (2) the designation of the method for selection of members of the legislative body of a district, or the number of those members, or both, where there are proceedings for a consolidation or a reorganization providing for a consolidation or formation of a new district where those changes are authorized by the principal act under which a district is established.~~

~~This bill would provide that notwithstanding specified provisions of acts prescribing the procedure for the establishment of certain types of districts, the local agency formation, in approving either a change of organization or reorganization involving two or more special districts, shall have the authority to establish the composition of the legislative body of the successor agency. The types of districts whose principal acts would be so amended include community services districts, sanitary districts, cemetery districts, fire protection districts, hospital districts, recreation and park districts, resource conservation districts, county water districts, and California water districts.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. Section 61210.1 is added to the~~
- 2 *SECTION 1. Section 61600 of the Government Code*
- 3 *is amended to read:*
- 4 61600. A district formed under this law may exercise
- 5 the powers granted for any of the following purposes
- 6 designated in the petition for formation of the district and
- 7 for any other of the following purposes that the district
- 8 shall adopt:
- 9 (a) To supply the inhabitants of the district with water
- 10 for domestic use, irrigation, sanitation, industrial use, fire
- 11 protection, and recreation.
- 12 (b) The collection, treatment, or disposal of sewage,
- 13 waste, and storm water of the district and its inhabitants.
- 14 (c) The collection or disposal of garbage or refuse
- 15 matter.

1 (d) Protection against fire.

2 (e) Public recreation including, but not limited to,
3 aquatic parks and recreational harbors, equestrian trails,
4 playgrounds, golf courses, swimming pools, or
5 recreational buildings.

6 (f) Street lighting.

7 (g) Mosquito abatement.

8 (h) The equipment and maintenance of a police
9 department, other police protection, or other security
10 services to protect and safeguard life and property.

11 (i) To acquire sites for, construct, and maintain library
12 buildings, and to cooperate with other governmental
13 agencies for library service.

14 (j) The constructing, opening, widening, extending,
15 straightening, surfacing, and maintaining, in whole or in
16 part, of any street in the district, subject to the consent of
17 the governing body of the county or city in which the
18 improvement is to be made.

19 (k) The construction and improvement of bridges,
20 culverts, curbs, gutters, drains, and works incidental to
21 the purposes specified in subdivision (j), subject to the
22 consent of the governing body of the county or city in
23 which the improvement is to be made.

24 (l) The conversion of existing overhead electric and
25 communication facilities to underground locations,
26 which facilities are owned and operated by either a
27 “public agency” or a “public utility,” as defined in Section
28 5896.2 of the Streets and Highways Code, and to take
29 proceedings for and to finance the cost of the conversion
30 in accordance with Chapter 28 (commencing with
31 Section 5896.1) of Part 3 of Division 7 of the Streets and
32 Highways Code, subject to the consent of the public
33 agency or public utility responsible for the owning,
34 operation, and maintenance of the facilities. Nothing in
35 this section gives a district formed under this law the
36 power to install, own, or operate the facilities that are
37 described in this subdivision.

38 (m) To contract for ambulance service to serve the
39 residents of the district as convenience requires, if a

1 majority of the voters in the district, voting in an election
2 thereon, approve.

3 (n) To provide and maintain public airports and
4 landing places for aerial traffic.

5 (o) To provide transportation services.

6 (p) To abate graffiti.

7 (q) *To construct, maintain, and operate flood control*
8 *and protection works and facilities, and for those*
9 *purposes to exercise all of the powers specified for*
10 *reclamation districts in Part 5 (commencing with Section*
11 *50900) of Division 15 of the Water Code. The functions to*
12 *be performed by the board, officers, and agents of a*
13 *reclamation district pursuant to that part may be*
14 *performed by the equivalent board, officers, and agents*
15 *of an affected community services district.*

16 ~~Government Code, to read:~~

17 ~~61210.1. Notwithstanding Sections 61200 and 61210,~~
18 ~~the local agency formation commission, in approving~~
19 ~~either a change of organization or reorganization~~
20 ~~involving two or more special districts, shall have the~~
21 ~~authority to establish the composition of the legislative~~
22 ~~body of the successor local agency pursuant to~~
23 ~~subdivisions (k) and (n) of Section 56844.~~

24 ~~SEC. 2. Section 6480.1 is added to the Health and~~
25 ~~Safety Code, to read:~~

26 ~~6480.1. Notwithstanding Section 6480, the local~~
27 ~~agency formation commission, in approving either a~~
28 ~~change of organization or reorganization involving two or~~
29 ~~more special districts, shall have the authority to establish~~
30 ~~the composition of the legislative body of the successor~~
31 ~~local agency pursuant to subdivisions (k) and (n) of~~
32 ~~Section 56844 of the Government Code.~~

33 ~~SEC. 3. Section 8950.01 is added to the Health and~~
34 ~~Safety Code, to read:~~

35 ~~8950.01. Notwithstanding Section 8950, the local~~
36 ~~agency formation commission, in approving either a~~
37 ~~change of organization or reorganization involving two or~~
38 ~~more special districts, shall have the authority to establish~~
39 ~~the composition of the legislative body of the successor~~

~~local agency pursuant to subdivisions (k) and (n) of Section 56844 of the Government Code.~~

~~SEC. 4. Section 13803.1 is added to the Health and Safety Code, to read:~~

~~13803.1. Notwithstanding Section 13803, the local agency formation commission, in approving either a change of organization or reorganization involving two or more special districts, shall have the authority to establish the composition of the legislative body of the successor local agency pursuant to subdivisions (k) and (n) of Section 56844 of the Government Code.~~

~~SEC. 5. Section 32100.05 is added to the Health and Safety Code, to read:~~

~~32100.05. Notwithstanding Sections 32100 and 32100.01, the local agency formation commission, in approving either a change of organization or reorganization involving two or more special districts, shall have the authority to establish the composition of the legislative body of the successor local agency pursuant to subdivisions (k) and (n) of Section 56844 of the Government Code.~~

~~SEC. 6. Section 5527.1 is added to the Public Resources Code, to read:~~

~~5527.1. Notwithstanding Section 5527, the local agency formation commission, in approving either a change of organization or reorganization involving two or more special districts, shall have the authority to establish the composition of the legislative body of the successor local agency pursuant to subdivisions (k) and (n) of Section 56844 of the Government Code.~~

~~SEC. 7. Section 9301.1 is added to the Public Resources Code, to read:~~

~~9301.1. Notwithstanding Section 9301, the local agency formation commission, in approving either a change of organization or reorganization involving two or more special districts, shall have the authority to establish the composition of the legislative body of the successor local agency pursuant to subdivisions (k) and (n) of Section 56844 of the Government Code.~~

1 ~~SEC. 8. Section 30500.1 is added to the Water Code, to~~
2 ~~read:~~

3 ~~30500.1. Notwithstanding Section 30500, the local~~
4 ~~agency formation commission, in approving either a~~
5 ~~change of organization or reorganization involving two or~~
6 ~~more special districts, shall have the authority to establish~~
7 ~~the composition of the legislative body of the successor~~
8 ~~local agency pursuant to subdivisions (k) and (n) of~~
9 ~~Section 56844 of the Government Code.~~

10 ~~SEC. 9. Section 34708.6 is added to the Water Code, to~~
11 ~~read:~~

12 ~~34708.6. Notwithstanding Sections 34708 and 34708.5,~~
13 ~~the local agency formation commission, in approving~~
14 ~~either a change of organization or reorganization~~
15 ~~involving two or more special districts, shall have the~~
16 ~~authority to establish the composition of the legislative~~
17 ~~body of the successor local agency pursuant to~~
18 ~~subdivisions (k) and (n) of Section 56844 of the~~
19 ~~Government Code.~~

